REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1, 4-10, 12-15, 17-19, 22-24, 26-35, 38, 61 and 84 are pending, among which claims 1 and 12-14 are in independent form. All claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over cited references. Applicant disagrees with the Office Action and traverse the rejection.

Claims 1, 4-10, 12-15, 17-19, 22-24, 26-35, 38, 61 and 84 are patentable over the cited references.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0103907 to Petersen in view of U.S. Patent No. 5,537,533 to Staheli. Applicant respectfully traverses the rejection.

Claim 1 sets forth, *inter alia*:

> "A data management method using a network system which includes a server, a client terminal and a plurality of data servers, comprising:
> a reception step...;
> a select step of making the server automatically select data servers for storing the data from the plurality of data servers, the selected data servers being different from each other and including at least a first data server and a second data server, said first data server being located in an area which is different from an area of user's address registered by the user of the client terminal, *said second data server being located in an area with a disaster rate of occurrence equal to or smaller than a predetermined threshold*; and
> a storage step ...." (emphasis added)

Applicant submits that one of the aspect of the present invention, as recited in claim 1, is the select step that "...a select step of making the server automatically select data servers for storing

the data from the plurality of data servers, the selected data servers being different from each other and including at least a first data server and a second data server, said first data server being located in an area which is different from an area of user's address registered by the user of the client terminal, *said second data server being located in an area with a disaster rate of occurrence equal to or smaller than a predetermined threshold..."*(emphasis added) The Office Action admits that Petersen fails to disclose this element. However, the Office Action claims that Staheli remedies this deficiency of Petersen. In particular, the Office Action asserts that "a disaster rate of occurrence equal to or smaller than a predetermined threshold" can be interpreted broadly to mean a server that is a safe distance away from the client." (Office Action, page 3) Applicant disagrees with the characterization of Staheli, and submits that "a safe distance away from the client" means geographically away from the client. ("The mirrored data is moved by the DTUs to safe distances that may be many miles from the original data" Staheli, Col. 15, Lns 2-4) Therefore, an area "a safe distance away from the client" is not necessarily an area having a lower disaster rate of occurrence than that with the user's registered address. Therefore, Staheli fails to disclose "...said second data server being located in an area with a disaster rate of occurrence equal to or smaller than a predetermined threshold..." sets forth in claim 1.

Accordingly, since not all steps recited in claim 1 are taught, disclosed or suggested in the cited references, whether taken alone or in combination, claim 1 is asserted patentable over the cited references for at least the above-stated reasons.

Similarly, independent claims 12, 13 and 14 are asserted patentable over cited references.

Claim 4, which is dependent upon claim 1, is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Petersen and Staheli and further in view of U.S. Patent Application Publication No. 2002/0095487 to Day et al. ("Day") and U.S. Patent No. 6,347,384 to Satomi et al. ("Satomi"). Rejection to claim 4 is respectfully traversed.

Claim 4, which depends directly from claim 1, recites:

> 4. The method according to claim 1, further comprising:
> a step of making the server acquire disaster information from a disaster information database that provides disaster information, and search for the area with a disaster rate of occurrence equal to or smaller than a predetermined threshold on the basis of the acquired disaster information for selecting the server in the select step.

Applicant submits that Day and Satomi fail to remedy the deficiencies of Petersen and Staheli. Without restating the reasons with respect to rejection to claim 1, Applicant further notices that Satomi and Day fails to teach, disclose or suggest the limitation as recited in amended claim 4, especially, "search[ing] for the area with a disaster rate of occurrence equal to or smaller than a predetermined threshold on the basis of the acquired disaster information for selecting the server in the select step".

Satomi is directed to system for providing reliable and effective disaster relief due to the network damage or communication restriction arising out of the occurrence of a disaster, etc. According to Satomi, the disaster relief system comprises a plurality of server apparatus 2, a plurality of portable terminal equipment 1, and communication networks 20, 30 of different types to which both the portable terminal equipment 1 and the server apparatus 2 can be connected. The portable terminal equipment 1 accesses an available server apparatus 2 over an available communication network and obtains disaster relief information and resources

information corresponding to damaged resources to create or update a disaster relief plan file 5, and extracts the necessary information from the disaster relief information DB 3.

As illustrated in Figs. 1, 2, 3 and 4, the disaster relief information DB 3 is a database for storing the information about a relief plan for the disaster, the resource information DB 4 stores information about routes for making arrangements for relief of the damaged facilities. The disaster relief information DB 3 includes a list of all items 31 that are to be dealt within event of a disaster and a list of various departments responsible for providing disaster relief for the corresponding item 31. Damage status 33 lists different degrees of damage to each item 31. For each item 31, the number of persons 34 need for providing relief, and starting date 35, and an anticipated number of days 36 for each damage status 33 are set. (Satomi, col. 3 lines 51-65). Similar structures can be found in resource information DB 4 and disaster relief plan file 5. (Satomi, col. 3 line 66 to col. 4 line 19).

It is respectfully asserted that the "disaster rate of occurrence" as recited in claim 4 can not be obtained from disaster information acquired from disaster relief information DB or resource information DB 4 or disaster relief plan file 5 as taught or disclosed in Satomi. Apparently, Satomi teaches a system to provide disaster relief after a disaster occurs. According to the application, a disaster rate of occurrence refers to a predicted rate at which a variety of disasters including, for example, typhoon, earthquake, and the like, take place. From the data structure disclosed in Satomi, there is no way to obtain the disaster rate of occurrence in different areas. Without possession of the rate, an area with disaster rate of occurrence equal to or smaller than a predetermined threshold can not be selected either. Therefore, Satomi in fact can not teach or suggest use disaster information database to obtain the disaster rate of occurrence of

different areas, and thus can not teach to select an area with a disaster rate of occurrence equal to or smaller than a predetermined threshold.

Day is directed to a system capable of registering, locating and identifying network servers within a data center containing many such servers. In particular, Day teaches a method to use unique barcode ID to identify a specific server. At best Day teaches to find a server corresponding to a certain ID number, and nothing more. In other words, Day can not remedy the deficiency of what Satomi is lack of, i.e., to obtain a disaster rate of occurrence of an area and search for areas with a disaster rate of occurrence equal to or smaller than a predetermined threshold.

Accordingly, the limitation recited in claim 4 is not taught, disclosed or suggested in Satomi or Day. In light of reason for traversing rejection to claim 1 mentioned above, claim 4 is asserted patentable over Petersen in view of Staheli, Satomi and Day.

Similarly, dependent claims 7, 9-10 and 38 are asserted patentable over Petersen in view of Staheli, Satomi and Day.

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Staheli and further in view of U.S. Patent No. 5,189,020 to Beeler, Jr ("Beeler").

According to the Office Action, Beeler teaches a method further comprising a step of making the server encrypt the data and includes the step of making the server send the data encrypted by different methods to the respective data servers and store the data in the data servers. (08/28/2006 Office Action at p. 5).

Beeler is directed to a data replication techniques for computer operating systems, wherein a file modification request is sent to a primary server, which communicates to a

secondary server, associated with which the file modification request is executed and saved in a storage media. However, Beeler fails to remedy the deficiency of what Petersen in view of Staheli are lack, i.e., to find a first server in an area different from a user's registered address and a second server in an area with a disaster rate of occurrence equal to or smaller than a predetermined threshold.

Accordingly, for the above-stated reasons, claims 5 and 6 are asserted patentable over Petersen in view of Staheli and further in view of Beeler. Similarly, claim 8 is asserted patentable over Petersen in view of Staheli and further in view of Beeler.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Staheli and Beeler further in view of Satomi and Bowman. Claims 15, 17-19, 23-28, and 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Staheli, Beeler and further in view of U.S. Patent No. 6,069,941 to Byrd. Claim 22 is rejected rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Staheli, Beeler, Byrd and further in view of Weinman. Claims 29-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Staheli, Beeler, Byrd and further in view of Bowman. Claims 10, 12-14, 38, 61 and 84 are similarly rejected.

Applicant submits that claims 8, 15, 17-19, 22-28, 29-32 and 33-35 and claims 10, 12-14, 38, 61 and 84 depend directly or indirectly from independent claims 1, 12,13 and 14. For the similar reasons, Applicant has not specifically addressed the rejections of the rest dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

IN THE EVENT THAT AN EXTENSION OF TIME IS REQUIRED, OR WHICH MAY BE REQUIRED IN ADDITION TO THAT REQUIRED IN A PETITION FOR AN EXTENSION OF TIME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4812.

Respectfully submitted,
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By: Ping Gu

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